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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,373	02/14/2006	Artur Tadeusz Burchard	NL 031007	7537

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

BAE, JI H

ART UNIT	PAPER NUMBER
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2115

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/568,373

Applicant(s)

BURCHARD ET AL.

Examiner

Ji H. Bae

Art Unit

2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8-15 and 20-24 is/are rejected.
- 7) ☒ Claim(s) 4-7 and 16-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2-14-2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Specification***

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1-3, 8-10, 12-15, 20-22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Won et al., U.S. Patent No. 7,100,057 B2, in view of Heath, U.S. Patent No. 4,258,418.

Regarding claim 1, Won teaches:

A buffer for buffering between one or more software applications executing on computing means and one or more data generating and/or receiving devices in communication with the one or more applications through the buffer, controlling allocation of one or more portions of the buffer to the one or more applications so as to reduce power dissipation occurring within the one or more devices [Fig. 9A-9D, col. 18, line 49 to col. 19, line 31].

Won teaches a buffer managing means [Fig. 5c, control part 550], but does not teach that the buffer managing means controls allocation of the buffer.

Heath teaches:

a buffer managing means for controlling allocation of one or more portions of a buffer [Fig. 1, col. 1, lines 54-60].

It would have been obvious to one of ordinary skill in the art to combine the teachings of Won and Heath by modifying the buffer managing means of Won to control allocation of one or more portions of the buffer, in a manner taught by Heath. Both Won and Heath are directed towards system for buffering retrieved data in a computer system. Won teaches that adjusting the size of the buffer can help reduce power dissipation, but does not explicitly teach using the buffer management means to accomplish this. The teachings of Heath would improve the system of Won by allowing Won to adjust the buffer size dynamically, thus enabling Won to achieve the desired power savings during operation. Additionally, the buffer management means of Heath would improve Won by minimizing buffer filling delays and I/O device start/stop

delays, and provide buffering for various types of applications and system conditions [Heath, col. 1, lines 57-60].

Regarding claim 2, Won teaches controlling allocation of the buffer in response to data streaming rate demands [col. 3, lines 1-4].

Regarding claim 8, Won teaches that the computing means correspond to a multi-application resource-limited system.

Regarding claims 9 and 10, Won teaches that the managing means are implemented in software as predetermined data arrays included in the managing means [program codes, col. 11, lines 28-32].

Regarding claim 12, Won teaches that the device is arranged to operate in a stop-start switched duty cycle [col. 3, lines 63-67].

Regarding claims 13-15, 20-22, and 24, Won/Heath teaches the buffer of claims 1-3, 8-10, and 12, and also the method implemented by the claimed buffer.

Claims 11 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Won/Heath as applied to claim 1 above, and further in view of Harold-Barry, U.S. Patent No. 5,995,462.

Regarding claim 11, Won/Heath does not teach that the buffer comprises an electronic shock protection buffer.

Harold-Barry teaches an electronic shock protection buffer for CD player [abstract].

It would have been obvious to one of ordinary skill in the art to combine the teachings of Won/Heath and Harold-Barry by implementing the buffer of Won/Heath as an ESP buffer, as taught by Harold-Barry. The invention of Won is directed towards, among other things, CD players [col. 1, lines 14-15], and the teachings of Harold-Barry apply specifically to such

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devices. The teachings of Harold-Barry would improve Won/Heath by providing protection from shocks [col. 2, lines 25-31].

Regarding 23, Won/Heath/Harold-Barry teaches the buffer of claim 11, and also the method implemented by the claimed buffer.

Allowable Subject Matter

Claims 4-7 and 16-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Aoki, U.S. Patent No. 6,272,589 B1;

Nye et al., U.S. Patent Application Publication No. 2006/0179186 A1;

Gaylord, U.S. Patent No. 6,105,070;

Daray, Jr. et al., U.S. Patent No. 5,951,658;

Corrigan et al., U.S. Patent No. 5,179,662;

Le, U.S. Patent No. 6,678,813 B1;

Niessen et al., U.S. Patent No. 5,367,638.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ji H. Bae whose telephone number is 571-272-7181. The examiner can normally be reached on Monday-Friday, 10 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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